

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Edgar Barbot

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

NA

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

NA

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at
the time of implant:

New Jersey

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

New Jersey

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

New Jersey

7. District Court and Division in which venue would be proper absent direct filing:

District of New Jersey, Newark Division

8. Defendants (check Defendants against whom Complaint is made):

☐ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

a. Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☐ G2[®] Vena Cava Filter

€ G2[®] Express (G2[®]X) Vena Cava Filter

~~☒~~ Eclipse[®] Vena Cava Filter

€ Meridian[®] Vena Cava Filter

€ Denali[®] Vena Cava Filter

€ Other: _____

11. Date of Implantation as to each product:

05/15/2012

12. Counts in the Master Complaint brought by Plaintiff(s):

~~☒~~ Count I: Strict Products Liability – Manufacturing Defect

~~☒~~ Count II: Strict Products Liability – Information Defect (Failure to Warn)

~~☒~~ Count III: Strict Products Liability – Design Defect

~~☒~~ Count IV: Negligence - Design

~~☒~~ Count V: Negligence - Manufacture

~~☒~~ Count VI: Negligence – Failure to Recall/Retrofit

~~☒~~ Count VII: Negligence – Failure to Warn

~~☒~~ Count VIII: Negligent Misrepresentation

~~☒~~ Count IX: Negligence *Per Se*

~~☒~~ Count X: Breach of Express Warranty

~~☒~~ Count XI: Breach of Implied Warranty

~~☒~~ Count XII: Fraudulent Misrepresentation

☒ Count XIII: Fraudulent Concealment

☒ Count XIV: Violations of Applicable (Insert State)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade
Practices

☐ Count XV: Loss of Consortium

☐ Count XVI: Wrongful Death

☐ Count XVII: Survival

☒ Punitive Damages

☐ Other(s): _____ (please state the facts supporting
this Count in the space immediately below)

RESPECTFULLY SUBMITTED this 10th day of January, 2020.

MCSWEENEY/LANGEVIN LLC

By: /s/ David M. Langevin

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